

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAROLE WALKER,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/19/08

08 Civ. 1820 (BSJ) (DFE)
ECF Case

JOINT SCHEDULING REPORT
PURSUANT TO RULE 26(f)

(SO ORDERED ON
MAY 19, 2008)

In accordance with Fed. R. Civ. P. 26(f), the parties have conferred to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by Fed. R. Civ. P. 26(a)(1), and to develop a proposed discovery plan. The parties report to the Court as follows:

1. Discussion of Claims, Defenses, and Relevant Issues:

Plaintiff Carole Walker ("Plaintiff") has brought this action against Defendant the United States of America ("Defendant"), under the Federal Tort Claims Act for a personal injury arising out of a pedestrian/vehicle accident on January 19, 2007, at or near the intersection of East 149th Street and St. Anns Avenue, Bronx, New York.¹ Plaintiff alleges that she sustained injuries when she was struck by a United States Postal Service ("USPS") vehicle which ignored a red light and failed to stop after the accident. Specifically, Plaintiff's injuries involved fractures to the fourth and fifth metatarsal bones of her right foot. Plaintiff seeks \$1,000,000 in damages.

Based on the information currently available, Defendant has been unable to confirm whether the vehicle involved in the accident was a USPS vehicle. If the vehicle was a USPS

¹ By Stipulation and Order dated May 7, 2008, the United States Postal Service was dismissed as a defendant in this action.

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vehicle, Defendant denies liability for the accident. Defendant believes that the evidence will show that Plaintiff was negligent in crossing into the intersection because, among other things, she walked into the side of the vehicle, which had a green traffic signal.

2. Initial Disclosures: The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) by May 27, 2008.

3. Discovery Plan: The subjects on which disclosure may be needed include all issues relevant to, or likely to lead to relevant information concerning, the claims and defenses of the parties. These subjects include the facts alleged in the complaint, whether the vehicle involved in the accident was a USPS vehicle and, if so, whether Defendant was negligent in the operation of the vehicle, whether Plaintiff was negligent in crossing the intersection, the causation and extent of Plaintiff's alleged damages, and expert testimony. The parties jointly propose the following discovery schedule:

- (1) Joinder of additional parties shall be accomplished by June 16, 2008 unless new information supporting such joinder is discovered thereafter.
- (2) Motions to amend the pleadings shall be served by June 16, 2008 unless new information supporting such motions is discovered thereafter.
- (3) Fact discovery shall be completed no later than September 12, 2008.
- (4) The parties will exchange Fed. R. Civ. P. 26(a)(2)(A) expert testimony disclosures no later than September 12, 2008.
- (5) Plaintiff's expert report(s) shall be served no later than October 3, 2008.
- (6) Defendant's expert report(s) shall be served no later than October 24, 2008.
- (7) Rebuttal expert report(s) shall be served no later than November 14, 2008.
- (8) All discovery shall be completed no later than November 14, 2008. Interim deadlines may be extended by the parties on consent without application to the Court, provided the parties believe they can still meet the discovery completion date ordered by the Court.
- (9) Dispositive motions, if any, shall be filed no later than December 15, 2008.

(10) A joint pre-trial order pursuant to Paragraph 3A of the Court's Individual Practices shall be submitted for the Court's approval no later than December 15, 2008

(11) Pre-trial filings pursuant to Paragraph 3B of the Court's Individual Practices shall be submitted no later than January 14, 2009, unless otherwise directed by the Court.

(12) All motions and applications shall be governed by the Court's Individual rules of Practice, except that disputes about discovery shall be governed by Judge Eaton's Standing Order for Discovery Disputes.

4. Early Settlement or Resolution. While the parties are open to the possibility of

settlement discussions, substantive negotiations have not taken place at this time.

Judge Eaton is available to hold one settlement conference, provided that the attorneys call chambers to schedule at least four weeks in advance.

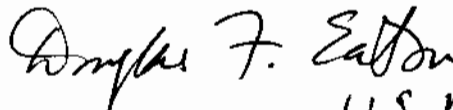
Dated: New York, New York
May 16, 2008

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May 19, 2008:
SO ORDERED


U.S.M.J.

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